<u>REMARKS</u>

The present application was filed on January 5, 2001 with claims 1-22. Claims 1-22 remain pending.

In the outstanding Office Action dated May 13, 2004, the Examiner: (i) rejected claims 6, 7, 15 and 16 under 35 U.S.C. §112, first paragraph; (ii) rejected claims 1 and 21 under 35 U.S.C. §112, second paragraph; (iii) rejected claims 1-4, 8-13, 17, 18, 21 and 22 under 35 U.S.C. §102(b) as being anticipated by Applicant's Admitted Prior Art (hereinafter "AAPA"); and (iv) rejected claims 5 and 14 under 35 U.S.C. §103(a) as being unpatentable over AAPA in view of U.S. Patent No. 6,484,247 to Gendron et al. (hereinafter "Gendron").

Dependent claims 19 and 20 are not addressed in the outstanding Office Action.

With regard to the rejection of claims 6, 7, 15 and 16 under 35 U.S.C. §112, first paragraph, Applicants traverse. The Examiner contends that the steps of permitting manual control over the installation of the software package on the target machine, and effectuating manual control over the installation of the software package in a target machine by setting a flag, do not appear to be supported in the specification. However, manual operation and the setting of flags are described throughout the specification. For example, on page 4, lines 6-8, the specification states that "an individual user in an enterprise can force installation of a software package by installing the package locally and bypassing the automatic system." Additionally, on page 7, lines 21-22, the specification describes an updateable flag that "allows a user to prevent the updating of an installed package." Further, on page 11, lines 8-12, the specification states:

> If new software has to be installed, the software administrator can force this installation by using the "override" flag. However, the "override" flag has lower precedence compared to the "updateable" flag that is defined on a specific target. This is used to prevent updates of software packages that must remain at a previous version (e.g., for compatibility issues).

Finally, on page 13, lines 8-9, the specification states that the "administrator can override settings by flagging a software install request as 'override' (needed for installation of new service that is not yet present in the region)." Thus, the subject matter is supported in the specification.

Accordingly, withdrawal of the rejection to claims 6, 7, 15 and 16 under 35 U.S.C. §112, first paragraph, is therefore respectfully requested.

With regard to the rejection of claims 1 and 21 under 35 U.S.C. §112, second paragraph, Applicants have amended claims 1 and 21. Likewise, claims 10 and 22 have been amended. While the meaning of the phrase "at least one of" is well-known in patent claim construction, Applicants have amended claims 1, 10, 21 and 22 to further clarify that the software package preparation and customization is capable of being based on: (i) policy data indicating which of the one or more regions are candidates for receiving the software package; (ii) dependency information indicating requisites for a service provided by the software package; and (iii) configuration information for each of the candidate regions. Accordingly, withdrawal of the rejection to claims 1 and 21 under 35 U.S.C. §112, second paragraph, is therefore respectfully requested.

With regard to the rejection of claims 1-4, 8-13, 17, 18, 21 and 22 under 35 U.S.C. §102(b) as being anticipated by AAPA, Applicants assert that it is not clear what reference AAPA refers to in the Office Action. Further, as indicated above, claims 1, 10, 21 and 22 have been amended to recite that the software package preparation and customization is capable of being based on: (i) policy data indicating which of the one or more regions are candidates for receiving the software package; (ii) dependency information indicating requisites for a service provided by the software package; and (iii) configuration information for each of the candidate regions. Applicants assert that independent claims 1, 10, 21 and 22 are patentable for at least these reasons.

Applicants assert that dependent claims 2-4, 8, 9, 11-13, 17 and 18 are patentable for at least the reasons that independent claims 1 and 10, from which claims 2-4, 8, 9, 11-13, 17 and 18 depend, are patentable. Further, Applicants assert that dependent claims 2-4, 8, 9, 11-13, 17 and 18 recite patentable subject matter in their own right. Accordingly, withdrawal of the rejection to claims 1-4, 8-13, 17, 18, 21 and 22 under 35 U.S.C. §102(b) is therefore respectfully requested.

With regard to the rejection of claims 5 and 14 under 35 U.S.C. §103(a) as being unpatentable over AAPA and Gendron, Applicants assert that such claims are patentable for at least the reasons that independent claims 1 and 10, from which claims 5 and 14 depend, are patentable. Further, Applicants assert that dependent claims 5 and 14 recite patentable subject matter in their

own right. Accordingly, withdrawal of the rejection to claims 5 and 14 under 35 U.S.C. §103(a) is therefore respectfully requested.

In view of the above, Applicants believe that claims 1-22 are in condition for allowance, and respectfully request withdrawal of the §112, §102(b) and §103(a) rejections.

Respectfully submitted,

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